

ORDINANCE 2024-12

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 114 OF THE BOROUGH CODE, ENTITLED "LITTERING" TO PROVIDE FOR DE-ICING MATERIAL STORAGE REGULATION.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 114 of the Borough Code of the Borough of Barnegat Light, entitled "Littering," is hereby amended and supplemented to provide a new Section 114-11 to read as follows:

Chapter 114 LITTERING

§ 114-11. De-icing Material Storage Requirements.

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
5. Containers must be sealed when not in use; and
6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.

C. [reserved]

D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance

are met. Inspection records shall be kept on site and made available to the municipality upon request.

I. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections. SECTION IV.

E. Exemptions. Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements above. Piles of de-icing materials are not exempt, even if stored in a permanent structure. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

All other sections, paragraphs and provisions Chapter 114 of the Borough Code shall remain in full force and effect.

SECTION 2. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

Passage on First Reading: Date: August 14, 2024

| Larson | Moved | Second | Aye | Nay | Abstain | Absent |
|------------|-------|--------|-----|-----|---------|--------|
| Spark | | | | | | |
| Wellington | | | | | | |
| Gutowski | | | | | | |
| Reynolds | | | | | | |
| Foley | | | | | | |
| Mikuletzky | | | | | | |

Attest:

BRENDA L. KUHN, Municipal Clerk

ADOPTION:

Final Passage: Date: September 11, 2024

| Larson | Moved | Second | Aye | Nay | Abstain | Absent |
|------------|-------|--------|-----|-----|---------|--------|
| Spark | | | | | | |
| Wellington | | | | | | |
| Gutowski | | | | | | |
| Reynolds | | | | | | |
| Foley | | | | | | |
| Mikuletzky | | | | | | |

Attest:

BRENDA L. KUHN, Municipal Clerk

APPROVED:

KIRK O. LARSON, Mayor

Attest:

BRENDA L. KUHN, Municipal Clerk